

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

QINGDAO TANG-BUY
INTERNATIONAL IMPORT & EXPORT
COMPANY, LIMITED,

Plaintiff,

v.

PREFERRED SECURED AGENTS, INC.,
et al.,

Defendants.

Case No. 3:15-cv-00624-LB

**ORDER REQUIRING UPDATES
REGARDING SERVICE AND
CONTINUING THE HEARING ON MR.
REILAND'S MOTION TO DISMISS**

[Re: ECF No. 42]

The plaintiff Qingdao Tang-Buy Int'l Import & Export Co., Ltd. ("Qingdao") filed a complaint against the defendant Preferred Secured Agents, Inc. ("PSA") on February 9, 2015. (Complaint, ECF No. 1.) On March 18, 2015, PSA answered it and filed a cross-claim against the cross-defendant Michael Kule. (Answer and Cross-Claim, ECF No. 10.) Qingdao and PSA consented to the undersigned's jurisdiction. (Consents, ECF Nos. 9, 12.) So far, Mr. Kule has not appeared in this action or responded to PSA's cross-claim. PSA has not filed a proof of service, and it is not clear whether PSA has served him. (*See* 5/13/2015 CMC Statement, ECF No. 24 at 2 (PSA notes that it attempting to serve Mr. Kule in New York and China).)

On July 11, 2015, the court granted Qingdao's unopposed motion for leave to file a First Amended Complaint. (7/11/2015 Order, ECF No. 36.) Qingdao filed the First Amended Complaint on July 13, 2015. (FAC, ECF No. 37.) In it, Qingdao not only named PSA as a

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defendant but also named three new defendants: Retail Business Associates, LLC (“RBA”); Mark Cardinale; and Hal Reiland. (*Id.*) Qingdao served PSA with the First Amended Complaint via ECF on July 13, 2015, but so far PSA has not responded to it. Qingdao says it served Mr. Reiland with the First Amended Complaint on August 18, 2015 (although there is no proof of service evidencing this), and Mr. Reiland filed a motion to dismiss on September 8, 2015. (CMC Statement, ECF No. 45; Motion, ECF No. 42.) And although Qingdao said on September 21, 2015 that it planned to serve RBA and Mr. Cardinale with the First Amended Complaint within two weeks, Qingdao has not filed any proofs of service for them, and they have yet to appear or respond to it. (CMC Statement, ECF No. 45.) RBA, Mr. Cardinale, and Mr. Reiland have neither consented to nor declined the undersigned’s jurisdiction.

In light of this procedural posture, the court orders as follows:

1. By October 16, 2015, Qingdao must file a status update stating whether it has served RBA and Mr. Cardinal with the First Amended Complaint. If they have, they must file proofs of service by that day as well.
2. By October 16, 2015, PSA must file a status update stating whether it has served Mr. Kule with its cross-claim. If it has, it must file proof of service by that day as well.
3. By October 16, 2015, all served and appearing parties must file a consent or declination to proceed before a magistrate judge (attached).
4. The hearing on Mr. Reiland’s motion to dismiss is continued from October 15, 2015 to 9:30 a.m. on November 5, 2015.

IT IS SO ORDERED.

Dated: October 9, 2015



LAUREL BEELER
United States Magistrate Judge